

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 4425 (Application 12848)
Standish Hickey State Park

ORDER REVOKING LICENSE


SOURCE: Rock Creek tributary to South Fork Eel River

COUNTY: Mendocino

WHEREAS:

1. A Report of Licensee dated April 29, 2004 has been received from the Licensee, requesting revocation of the license by the State Water Resources Control Board (SWRCB), Division of Water Rights (Division).
2. The Division interprets the Licensee's request for revocation as a waiver of the notice and hearing requirements set forth in Water Code sections 1675 through 1675.2.

Therefore, it is ordered that License 4425 is hereby revoked by the SWRCB, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past SWRCB decisions regarding water availability.


Victoria A. Whitney, Chief
Division of Water Rights

Dated: **JUL 29 2004**

MAILING LIST

REGULAR MAIL

Standish Hickey State Park
California Department of Parks and Recreation
P.O. Box 100, Eel River District
Weott, CA 95571

County of Mendocino
P.O. Box 148
Ukiah, CA 95482

Bcc: Field File

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 12848 PERMIT 7405 LICENSE 4425

ORDER CORRECTING THE PURPOSE OF USE
AND AMENDING THE LICENSE

WHEREAS:

1. License 4425 was issued to State of California, Division of Beaches and Parks, pursuant to Application 12848, and was filed with the County Recorder of Mendocino County on December 20, 1956.
2. The Department of Parks and Recreation, Eel River District, has requested that the purpose of use under the license be corrected from Domestic to Standby Emergency Domestic and Fire Protection.
3. The State Water Resources Control Board (Board) has determined that said change will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said change.
4. License condition pertaining to the continuing authority of the Board should be updated to conform to Section 780(a) of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The license condition pertaining to the purpose of use be amended to read:

For the purpose of Standby Emergency Domestic and Fire Protection
uses. (0000003)
2. A license condition be added to read:

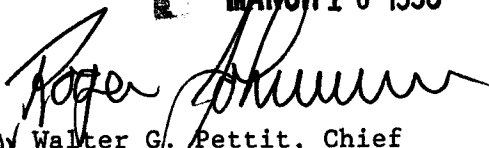
This license is reserved solely for Standby Emergency Domestic and Fire
Protection uses and will remain active only upon proper maintenance of the
standby diversion system and facilities. (0000003)
3. The license condition pertaining to the continuing authority of the Board
be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated: **MARCH 16 1990**

for 
Walter G. Pettit, Chief
Division of Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

Notice of Change (Over)

APPLICATION 12848

PERMIT 7405

LICENSE 4425

THIS IS TO CERTIFY, That State of California, Division of Beaches and Parks
P. O. Box 2390, Sacramento, California

has made proof as of August 20, 1954,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
Rock Creek in Mendocino County

tributary to South Fork Eel River

for the purpose of domestic use

under Permit 7405 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from December 6, 1948;
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed ten thousand (10,000) gallons
per day to be diverted from January 1 to December 31 of each year.

The point of diversion of such water is located North one thousand two hundred eighty
(1,280) feet and West one thousand six hundred thirty (1,630) feet from E $\frac{1}{4}$ corner
of Section 3, T 23 N, R 17 W, MDB&M, being within Lot 10 of said Section 3.

A description of the lands or the place where such water is put to beneficial use is as follows: Hickey Grove
State Park within Lot 14 of Section 3, T 23 N, R 17 W, MDB&M

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

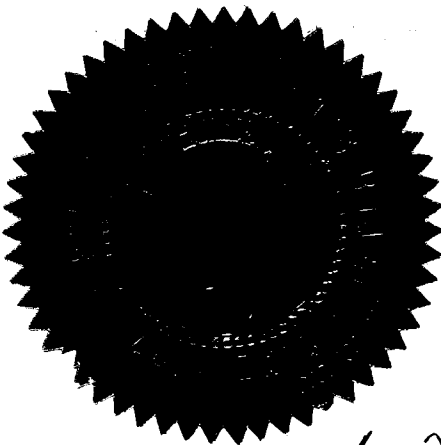
Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: **NOV 26 1956**

STATE WATER RIGHTS BOARD

By *Leslie C. Jopson*
Leslie C. Jopson
Chief Engineer



*1-25-67 Records chgd to show
Earl Standish Hickey State
Parks as owner*